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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

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5 FRANCISCO RODOLFO ALCARAZ,

Case No. 2:18-cv-02074-RFB-NJK

6 Petitioner,

7 v.

**ORDER**

8 THE UNITED STATES OF AMERICA,

9 Respondent.  
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12 This Court has an obligation to ensure that it has jurisdiction over a case filed before it.  
13 Rule 8 of the Federal Rules of Civil Procedure require a Plaintiff to file “short a short and plain  
14 statement of the grounds for the court’s jurisdiction” and to assert a “a short and plain statement  
15 of the claim showing that the pleader is entitled to relief.” Id.

16 The Court has reviewed the “Petition” [ECF No. 1] filed in this case. While the Petition is  
17 on the Court’s standard form for habeas petition seeking relief under 28 U.S.C. § 2241, the  
18 Petitioner actually indicates in the Petition that it is actually “not” a “challenge” to his sentence,  
19 custody, pretrial detention, immigration detention, detainer, validity of his conviction or  
20 disciplinary proceedings. ECF No. 1 at p.2. Rather, he asserts that his Petition is allegedly a “Full  
21 Payment/Satisfaction of Judgment.” Id.<sup>1</sup>

22 Petitioner has no authority to legally file a judgment in a criminal case and his Petition does  
23 not, by its own admission, assert a basis for habeas relief under federal law. Petitioner’s Petition  
24 is therefore an improper filing which is not legally cognizable and which does not create an actual  
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27 <sup>1</sup> The Court also notes that Petitioner has a pending Motion to Vacate his sentence pursuant to 28 U.S.C. §  
28 2255 in this District in United States v. Alcaraz, Case No. 2:13-cr-00189-KJD-CWH. The Court therefore  
also does not construe this Petition as somehow indirectly seeking relief under Section 2255.

1 case or controversy over which this Court would have jurisdiction. This case will therefore be  
2 dismissed.

3 Accordingly,

4 **IT IS HEREBY ORDERED** that the Petition [ECF No. 1] is STRICKEN from the docket  
5 as an improper filing. This case is DISMISSED without prejudice for lack of jurisdiction. All  
6 pending motions are denied without prejudice as moot. The Clerk of Court is directed to close this  
7 case.

8 DATED this 5th day of November, 2018.

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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE